

### *House Passes Legislation to Create Minimum Standards for Use and Reporting Excessive Teacher Actions*

March 3, 2010

WASHINGTON, DC— Today, Congressman Joe Sestak (PA-07) voted for the “Keeping All Students Safe Act”, H.R. 4247, which prohibits the use of life-threatening restraints and establishes clear minimum standards for training teachers in the use of seclusion and restraint when necessary to protect students, teachers, and other school staff. The bill also requires schools to track the use of these potentially harmful practices and provide information to parents whenever they are used on their child. The bill, which Congressman Sestak co-sponsored and actively supported in the Education and Labor Committee, passed the House of Representatives by a vote of 262-153.

“Seclusion and restraint are currently being used far more often than is appropriate and in situations where other less invasive interventions would be safer and better for students and teachers,” said Congressman Sestak. “With this vote today, the House of Representatives has found a reasonable balance between protecting students and preserving necessary tools for educators.”

Although few states aggressively track the use of these seclusion and restraint in schools, there have been numerous reports of abuse of these procedures with many resulting in the unfortunate deaths of children. In Texas and California alone, there were more than 32,000 instances of these procedures in one year. A GAO report released in May 2009 reviewed these procedures; all but 7 states lack comprehensive laws governing the use of seclusion and restraint and 19 states lack any such restrictions. One of the cases studied in the GAO report included more than 75 incidents over a six-month period. Pennsylvania law currently limits the use of restraints and requires reporting of incidents, but it does allow individual education plans to include the use of restraint as part of a student’s plan. Additionally, Pennsylvania law prohibits some, but not all, of the most dangerous forms of restraint and seclusion.

Specifically, the Preventing Harmful Restraint and Seclusion in Schools Act:

Prevents and reduces inappropriate restraint and seclusion by establishing minimum federal safety standards in schools, such as:

Allowing physical restraint or locked seclusion only when there is imminent danger of injury, and only when imposed by trained staff;

- Prohibiting the use of any mechanical restraint, such as strapping children to chairs, misusing therapeutic equipment to punish students, any restraint that restricts breathing;
- Prohibiting schools from including restraint or seclusion as planned interventions in student's education plans, including Individualized Education Programs (IEPs);
- Require schools to notify parents after incidents when restraint or seclusion was used.

Within two years of the establishment of federal standards, requires each state to have its own policies, procedures, monitoring and enforcement systems in place to meet the minimum standards.

Provides grants to states to:

- help provide professional development, training and positive behavior support programs;
- establish procedures in school safety plans to keep both students and personnel safe when student behavior poses an imminent danger; and
- support school-wide positive behavior interventions and supports.

Increases transparency, oversight and enforcement to prevent future abuse by:

- requiring states to collect and report data annually to the Secretary of Education;
- making data about restraint and seclusion publicly available, including data on the number of incidents, injuries, cases of death, and cases involving untrained staff; and
- providing the Secretary of Education the authority to withhold federal funds from states who do not establish policies and procedures consistent with the minimum standards within two years.

*Born and raised in Delaware County, former 3-star Admiral Joe Sestak served in the Navy for 31 years and now serves as the Representative from the 7th District of Pennsylvania. He led a series of operational commands at sea, including Commander of an aircraft carrier battle group of 30 U.S. and allied ships with over 15,000 sailors and 100 aircraft that conducted operations in Afghanistan and Iraq. After 9/11, Joe was the first Director of "Deep Blue," the Navy's anti-terrorism unit that established strategic and operations policies for the "Global War on*

*Terrorism.” He served as President Clinton’s Director for Defense Policy at the National Security Council in the White House, and holds a Ph.D. in Political Economy and Government from Harvard University. According to the office of the House Historian, Joe is the highest-ranking former military officer ever elected to the U.S. Congress.*

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